

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

BRADLEY NIEMANN,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO. 3:18CV289-PPS/MGG

OPINION AND ORDER

Bradley Niemann, a prisoner without a lawyer, filed an amended habeas corpus petition challenging his prison disciplinary hearing in WCC 15-02-415 in which a Disciplinary Hearing Officer at the Westville Correctional Facility found him guilty of assault/battery in violation of Indiana Department of Correction policy B-212 on March 6, 2015. ECF 3 at 1. As a result, Niemann was sanctioned with the loss of 60 days earned credit time and a demotion of one credit class. *Id.*

After Niemann filed his petition, the finding of guilt and sanctions were vacated. ECF 9-2 at 1. The Warden has filed a motion to dismiss because this case is now moot. ECF 9. Niemann did not file a response and the time for doing so has passed. *See* N.D. Ind. L.R. 7-1(d)(2)(A). The court cannot overturn the disciplinary proceeding and restore Niemann's time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Niemann has already won and there is no case left for this court to decide. This case must therefore be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison

disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

ACCORDINGLY:

The respondent Warden's motion to dismiss (ECF 9) is GRANTED and the case is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED on October 10, 2018.

/s/ Philip P. Simon
JUDGE
UNITED STATES DISTRICT COURT